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REMARKS

Claims 1-8, 43, 44, 46-49, 51 have been rejected under 35 USC 103 as being obvious over Miller '604 in view of Britten et al '355. Applicant traverses these rejections and submits that the claims are in condition for allowance.

The combination of Miller '604 and Britten et al '355 does not suggest or teach the concept of generating a flyer to be seen by others, as required for an obviousness rejection under 35 USC 103, which requires examining (1) the scope of the *prior art*, (2) the *level of skill* in the art, and (3) the *differences* between the prior art and Applicant's invention. *Litton Systems, Inc. v. Honeywell, Inc.*, 117 SCt 1270 (1970). A mere suggestion to further experiment with disclosed principles would not render obvious an invention based on those principles. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 19 USPQ2d 1432 (Fed. Cir. 1991). The fact that each element in a claimed invention may be mentioned in the prior art does not determine the nonobviousness of the claimed invention as a whole. *See Custom Accessories, Inc., v. Jeffrey-Allan Industries*, 1 USPQ2d 1196 1986 (Fed. Cir. 1986). The prior art must not be given an overly broad reading, but should be read in the context of the patent specifications and *as intended by reference authors. Durling v. Spectrum Furniture Co.*, 40 USPQ2d 1788 (Fed Cir 1996).

The combination of Miller '604 and Britten et al '355 does not teach Applicant's invention as claimed. As Miller '604 teaches a method for organizing data and Britten et al '355 teaches a system and method for designing articles and commercial artwork for incorporation in a banner, the combination does not teach a method for creating flyers that can be posted online and that are viewable to real estate agents and potential buyers (and sellers). Specifically, Applicant's method provides a means for a real estate agent to create a flyer related to a property and disseminate it to interested parties through a website. The claims of the present patent application specifically call for producing a flyer related to real property, unlike Britten et al '355, which specifically calls for display articles, and Miller '604, which specifically calls for storing data.

Further, even if these references are combined with realtor.com, this combination of references fails to teach a method in which flyers can be created and disseminated

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via a website. REALTOR.COM, as the exhibit to prior Office Action shows, is simply a site that displays un-customized summaries and pictures of real estate for sale. There is nothing on this site that suggests the creation of a flyer or the distribution of such a flyer online. Specifically, Britten et al 355 at most discloses the creation of banner, and does not disclose any means for distributing the banner via the Internet.

In fact, the combination of Miller '604 and Britten et al '355 teaches away from Applicant's dynamic method to create and distribute flyers to interested parties. Applicant's method is not merely a database system for storing data as in Miller '604 or a method for generically creating advertising banners as in Britten et al '355. In sharp contrast, Applicant's method is not a relational database, which is what Miller '604 discloses and teaches, and is not a banner creation system as in Britten et al '355, but rather is a method for constructing electronic flyers and electronically distributing them to interested parties.

Further, there is nothing in either Miller '604 or Britten et al '355 that would motivate one to combine these references. As discussed, Miller '604 a database system for storing and data and Britten et al. '355 is a method for creating advertising banners. The examiner has used Applicant's invention as a blueprint for combining Miller '604 and Britten et al '355, and it is ***impermissible*** to use the inventor's disclosure as a "road map" for selecting and combining prior art disclosures. *See Interconnect Planning Corp. v. Feil* (1985) (the Federal Circuit noted that "the invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art that existed at the time."). In this case, the examiner has not provided objective evidence that one of ordinary skill in the art would combine these references. As such, the prima fascia case for obviousness cannot be made in this case.

To cut to the chase, under the Patent Rules, combining a database storage method completely unrelated to the real estate field with a banner producing system also completely unrelated to the real estate field is impermissible. As discussed above, the cited prior art must have some relationship to the subject matter at issue to allow for one of ordinary skill in the art to arrive at the invention. A person of ordinary skill in the real estate flyer field would not look to either Britten et al '355 or Miller '604, let alone a combination of the two, to arrive at the present invention.

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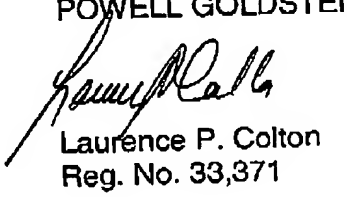
Finally, the objective evidence suggests that Applicant's invention is nonobvious. Nothing in the prior art shows a system for creating and distributing flyers as taught by Applicant's invention. In fact, the cited prior art teaches more effective methods for creating paper flyers for manual distribution. As such, if persons of ordinary skill in the art had Applicant's invention they would have used it. As the examiner did not find such a method, this is strong evidence that those of skill in the art did not have or contemplate such a method.

For these reasons, among others, Applicant requests the examiner reconsider and withdraw the 35 USC 103 rejection based on the combination of Miller '604 and Britten et al '355.

CONCLUSION

If the examiner has any final concerns that can be addressed over the telephone, the examiner is invited to contact the below-signed attorney of record.

Respectfully submitted,
POWELL GOLDSTEIN LLP



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